

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

CAUSE NO. CR 06-2-M-DWM

Plaintiff,

vs.

AMENDED FINDINGS &
RECOMMENDATION
CONCERNING PLEA

SHAUN MICHAEL MERCER,

Defendant.

The Findings and Recommendation issued by the undersigned on May 16, 2007, misstated the offense for which Defendant entered a guilty plea. Accordingly,

IT IS ORDERED that the Findings and Recommendation issued on May 16, 2007, is hereby WITHDRAWN, and this Amended Findings and Recommendation is issued in its stead:

The Defendant, by consent, appeared before me on May 16, 2007, under Fed. R. Crim. P. 11 and entered a plea to the charge of misuse of a social security number, in violation of 42. U.S.C. § 408(a)(7)(B), as set forth in the Indictment.

After examining the Defendant under oath, the Court determined that the guilty plea was knowingly, intelligently, and voluntarily entered; that the Defendant fully understands his constitutional rights and the extent to which such rights are waived; and that the offense charged and to which a guilty plea was entered contained each of the essential elements of the offense.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. I recommend that the Defendant be adjudged guilty and that sentence be imposed.¹ A presentence report has been ordered.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 31st day of May, 2007.

/s/ Jeremiah C. Lynch
Jeremiah C. Lynch
United States Magistrate Judge

¹ Objections to these Findings and Recommendation are waived unless filed and served within five (5) days. 28 U.S.C. § 636(b) (1) (B); Fed. R. Crim. P. 59(b) (2). See *United States v. Barney*, 568 F.2d 134, 136 (9th Cir. 1978) (the court need not give the parties the full ten day period set forth in 28 U.S.C. § 636(b) (1) within which to file objections).